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On the Relief of B. Hammond

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S. Rep. No. 340, 43d Cong., 1st Sess. (1874)

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IN THE SENATE OF THE UNITED STATES.

MAY 11, 1874.—Ordered to be printed.

Mr. WRIGHT submitted the following

REPORT:

[To accompany bill S. 416.]

The Committee on Claims, to which was referred S. 416, a bill for the relief of Belle E. Hammond, &c., have had the same under consideration, and report as follows :

The petition accompanying the bill sets forth that Rev. Eben S. Hammond was, on the 26th of March, 1873, appointed Indian agent for the Colorado River reservation, in Arizona, and started for his destination May 6, 1873. Arriving at San Bernadino, Cal., on the 20th, he was taken ill, and died on the 24th of the same month, (May.) It is claimed by petitioner, the daughter of decedent, that of the money found on the person of her father at the time of his death, \$164.23 was expended for his last sickness and burial, made up as follows :

	Gold.
Hotel expenses.....	\$40 00
Medical attendance.....	30 00
Medicine.....	24 50
Coffin and box.....	20 00
Grave and recording death.....	5 25
Wagon.....	5 25
Dressing and laying out body.....	4 50
	129 50
Premium at 15 per cent.....	19 42
	148 92
Trimnings for coffin.....	15 31
	164 23

She applied to the Department of the Interior for her father's salary and traveling expenses, and it seems that an allowance was made for such expenses and salary—the salary dating from April 11, 1873, and continuing until time of his death—amounting to \$497.41. She at the same time asked the allowance of the amount now claimed for expenses of sickness and burial. Payment was declined, as not properly chargeable to the Government, it being further suggested that application for such payment should be made to Congress. And this is all there is of the case. We feel constrained to report against this claim upon three grounds:

First. Petitioner is not shown to be the administratrix or executrix of her father's estate, nor even that she is the only heir. She is not shown, therefore, to be the proper party to make this claim.

Second. The sworn petition says that "a young man traveling with the father, found on his person \$209, and of this expended \$164.23 for sickness and burial, as follows," (here follows the items of the account, as above given.) But there is nothing beyond this to sustain the claim, the reasonableness of the expenditure, or anything else. We should have further evidence, and especially where it is disclosed, as here, that better evidence is attainable, or at least was, and no excuse shown for its non-production.

Third. But, all this aside, we know of no law or rule which requires the Government to pay these expenses. Certainly it could not be claimed that the hotel bill, medicines, and medical attendance, (amounting to almost two-thirds of the bill,) should be paid. Nor can we concede the liability for the premium at 15 per cent.—\$19.42. The first item (hotel bill) we must presume was covered by the allowance made and paid for traveling expenses.

But, however this may be, we unite in the opinion that the Government is not liable for any part of the claim, and we therefore recommend that the bill be indefinitely postponed.